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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/511,870 | 10/18/2004 | Janos-Gerold Enderlein | 112740-1005 | 6617 |

29177 7590 02/06/2007
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| EXAMINER |
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MARSH, OLIVIA MARIE

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2617

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/06/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/511,870

Applicant(s)

ENDERLEIN, JANOS-GEROLD

Examiner

Olivia Marsh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed November 7th, 2006 have been fully considered but they are not persuasive.

Concerning the newly added limitation in claim 1: "forwarding the received profiles corresponding to the respective profile-specific correlation thresholds, upon activation by the subscriber, directly to other subscribers on the basis of a wireless, locally limited network technology using the module coupled to the respective communication terminal," on page 7, paragraph 1, Applicant states: "Evans fails to teach or suggest users being able to directly forward 3rd-party profiles to other users." The Examiner respectfully disagrees. Evans discloses in column 7, lines 57-63:

"One or more users may act as Internet hosts for other users if their devices have the required capabilities. In this situation, hand-held device 43, for example, is capable of storing many downloaded profiles as illustrated by a database (DB) 45 installed therein. Device 43 may share profiles locally, receive profiles from the Internet, and match them with other profiles of other users," reading on claimed "forwarding the received profiles corresponding to the respective profile-specific correlation thresholds, upon activation by the subscriber, directly to other subscribers on the basis of a wireless, locally limited network technology using the module coupled to the respective communication terminal."

Therefore, the Examiner will maintain the rejection.

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Concerning the newly added limitation in claim 1: "each profile includes a neutral telecommunication identification," on page 6, paragraph 3, Applicant states: "the prior art fails to teach or suggest the features of a neutral telecommunication identification." The Examiner contends Tissot (U.S. 2004/0203619) teaches, "each profile includes a neutral telecommunication identification," as demonstrated in the below rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 15-19, 21-22, 25-26, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al (U.S. 6,690,918 B2) in further view of Tissot (U.S. 2004/0203619 A1).**

As to **claim 15**, A method for duplicating and distributing information for identifying profiles of subscribers of a communication system (**column 1, lines 10-12; column 3, lines 5-10**), the method comprising:

defining and storing, by the subscribers, subscriber-specific profiles using a respective input unit in a respective module (**DB 45**) coupled to a respective communication appliance (**column 7, lines 61-64**);

using the respective module coupled to a respective communication appliance to receive profiles from other subscribers of the communication system based on wireless, locally limited network technology (**column 6, lines 40-45**);

comparing received profiles to the profile which is defined and stored in the respective communication appliance in line with a profile-specific correlation threshold (**column 6, lines 45-47**);

storing, upon activation by a subscriber (**column 6, lines 63-64**), on the respective communication appliance the received profiles of the respective communication appliance (**column 6, lines 45-47**);

comparing, by the respective communication appliance, the received profiles of the respective communication appliance with one another in line with respective profile-specific correlation thresholds (**column 7, line 63**);

storing, upon activation by the subscriber (**column 6, lines 63-64**), on the respective communication appliance the received profiles of the respective communication appliance (**column 7, lines 61-62**);

comparing, upon at least one of a change of location of the respective communication appliance and a progression of time, the received profiles, in line with the respective profile-specific correlation thresholds, with profiles which are newly received and stored based on wireless, locally limited network technology profiles of other subscribers of the communication system using the module coupled to the respective communication appliance due to at least one of the change of location and the progression of time (**column 8, lines 24-25, lines 35-47**); and

communicating a respective instance of the profile-specific correlation thresholds being exceeded to the respective subscribers having the corresponding subscriber-specific profiles (**column 6, lines 47-50**); and

forwarding the received profiles corresponding to the respective profile-specific correlation thresholds, upon activation by the subscriber, directly to other subscribers on the basis of a wireless, locally limited network technology using the module coupled to the respective communication terminal (**column 7, lines 57-63**).

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However, Evans fails to disclose wherein each profile includes a neutral telecommunication identification. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Tissot.

In an analogous art, Tissot teaches each profile includes a neutral telecommunication identification (paragraphs 15, 28, 138, and 141).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and profiles, disclosed by Evans, wherein each profile includes a neutral telecommunication identification, as taught by Tissot, to enable mobile telephones to exchange text or audio messages anonymously.

As to **claim 16**, Evans and Tissot teaches everything as applied in claim 15 and Evans also discloses:

wherein profiles from other subscribers are temporarily stored in a communication appliance of a subscriber (**column 7, lines 26-28**).

As to **claim 17**, Evans and Tissot teaches everything as applied in claim 15 and Evans also discloses:

when profile-specific correlation thresholds are exceeded, an interposed provider of the communication system is used to set up a communication connection between the respective subscribers having the corresponding subscriber-specific profiles upon respective activation by the subscribers (**column 8, lines 44-47; column 6, lines 50-53**).

As to **claim 18**, Evans and Tissot teaches everything as applied in claim 15 and Evans also discloses:

the wireless, locally limited network technology used is at least one of LAN technology and PAN technology (**column 4, lines 36-40**).

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As to **claim 19**, Evans and Tissot teaches everything as applied in claims 15 and 18 and Evans also discloses:

the wireless, locally limited network technology used is Bluetooth (**column 4, lines 36-37**).

As to **claim 21**, Evans and Tissot teaches everything as applied in claim 15 and Evans also discloses:

each module associated with a subscriber is assigned an ID number (**column 5, lines 61-64**).

As to **claim 22**, Evans and Tissot teaches everything as applied in claim 15 and Evans also discloses:

the input unit is a computer (**column 4, lines 55-56**).

As to **claim 25**, Evans discloses:

A module (**DB 45**) for integration into a mobile communication appliance which is at least one of associated with a subscriber and coupled to a mobile communication appliance associated with a subscriber via an interface (**"Database 45 installed therein, column 7, line 61**), the module comprising:

a memory unit (**45**) for storing a profile of the subscriber (**column 7, lines 61-62**);

a transmission and reception unit (**It is inherent that the Palm Device comprises a transmission and reception unit in order to communicate with nearby devices**) operating on a basis of wireless, locally limited network technology, for transmitting and receiving foreign profiles from other subscribers of a communication system (**"share profiles locally," column 7, lines 61-62; column 4, lines 61-62**);

a memory unit for storing the foreign profiles received (column 7, lines 61-62);

a correlation unit for comparing the profiles with one another (“match with other profiles,” column 7, line 63); and

a signaling/synchronization unit for indicating respective instances of the profile-specific correlation thresholds being exceeded (column 8, lines 35-39; column 8, lines 45-48) and forwarding profiles corresponding respective profile-specific correlation thresholds directly to other subscribers over the wireless, locally limited network technology using the interface (column 7, lines 57-63).

However, Evans fails to disclose wherein the subscriber and foreign profiles include a neutral telecommunication identification. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Tissot.

In an analogous art, Tissot teaches the subscriber and foreign profiles include a neutral telecommunication identification (paragraphs 15, 28, 138, and 141).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the module, disclosed by Evans, wherein each profile includes a neutral telecommunication identification, as taught by Tissot, to enable mobile telephones to exchange text or audio messages anonymously.

As to claim 26, Evans and Tissot teaches everything as applied in claim 25 and Evans also discloses:

the transmission and reception unit operates based on at least one of LAN technology and PAN technology (column 4, lines 36-37).

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As to **claim 28**, Evans and Tissot teaches everything as applied in claim 25 and Evans also discloses:

the correlation unit is a microcomputer (**column 6, lines 34-37; column 7, line 63**).

As to **claim 29**, Evans and Tissot teaches everything as applied in claim 25 and Evans also discloses:

the signaling/synchronization unit is a software-assisted circuit (**column 8, lines 35-39**).

5. Claims 20 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Evans and Tissot as applied to claims 15 and 25 above, and further in view of well known prior art (MPEP 2144.03).

As to **claim 20**, Evans and Tissot teaches everything as applied in claim 15 above and Evans also discloses palm device 43 may access Internet 25, also represented by backbone 23, via an Internet-service-provider (ISP) 49 illustrated within intermediary wireless network 47, and an associated network gateway (NG) 51 also illustrated within network 47 (**column 4, lines 65-67; column 5, lines 1-4**). However, Evans fails to specifically disclose a respective mobile communication appliance, which operates in accordance with a standard, is used as the respective communication appliance, with the standard being selected from a group consisting of GSM, GPRS, EDGE and UMTS. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention for Palm Device to access a wireless network utilizing the GSM, GPRS, EDGE, and UMTS standards in order to receive digital packet data over wireless connections.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and the communication appliance, taught by Evans and Tissot, a respective mobile communication appliance, which operates in accordance with a standard, is used as the respective communication appliance, with the standard being selected from a group consisting of GSM, GPRS, EDGE and UMTS, as taught by well known prior art, to provide a user of a mobile device with digital packet wireless services in a wireless network.

As to **claim 27**, Evans and Tissot teaches everything as applied in claim 25 above and Evans also discloses hand-held device 42 is capable of storing many download profiles (column 7, line 60). However, Evans fails to specifically disclose the memory unit comprises a RAM. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to use RAM in mobile devices to provide storage capabilities in the mobile device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the module and the memory unit, disclosed by Evans, the memory unit comprises a RAM, as taught by well known prior art, to enable a mobile device to store information received from external sources.

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6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans as applied to claims 15 and 17 above, and further in view of London (U.S. 5,590,184 A).

As to **claim 23**, Evans and Tissot teaches everything as applied in claims 15 and 17 above and Evans also discloses "all real identification information such as names, phone numbers and the like are not provided during initial exchange in order to protect anonymity and privacy of users." However, Evans fails to specifically disclose each subscriber in the communications system is assigned a respective neutral telephone number in order to set up a communication connection between subscribers. The Examiner contends this feature was old and well known in the art at the time of invention as taught by London.

In an analogous art, London teaches each subscriber in the communications system is assigned a respective neutral telephone number in order to set up a communication connection between subscribers (**column 1, lines 10-11; column 3, lines 65-67; column 5, lines 2-6**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and subscribers, taught by Evans and Tissot, each subscriber in the communications system is assigned a respective neutral telephone number in order to set up a communication connection between subscribers, as taught by London, to allow callers to protect their privacy without restraining their use of communications services.

As to **claim 24**, Evans and Tissot teaches everything as applied in claims 15 and 17 and London teaches everything as applied in claim 23; however, neither Evans nor Tissot fails to disclose the neutral telephone numbers are assigned temporarily. The Examiner contends this feature was old and well known in the art at the time of invention as taught by London.

London also teaches the neutral telephone numbers are assigned temporarily (**column 4, lines 43-45**).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and subscribers, taught by Evans and Tissot, each subscriber in the communications system is assigned a respective neutral telephone number in order to set up a communication connection between subscribers, as taught by London, the neutral telephone numbers are assigned temporarily, also taught by London, to allow callers to protect their privacy without restraining their use of communications services.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CHARLES APPIAH
PRIMARY EXAMINER